

REMARKS

Claims 1-21 are pending in this application. By this Amendment, claims 1-21 are amended. Support for the amendment to claim 1 can be found, for example, on pages 15-16 of the specification. No new matter is added. In view of at least the following, reconsideration and allowance are respectfully requested.

I. Personal Interview

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Martin in the January 29, 2009 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

II. Rejections Under 35 U.S.C. § 112, First and Second Paragraphs

The Office Action rejects claims 1-21 under 35 U.S.C. § 112, first and second paragraphs, as failing to comply with the enablement requirement and as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Specifically, the Office Action rejects the language "forming a conductive layer on the formed thin electrolyte layer electronically-discontinued with the hydrogen-permeable metal layer via the pores."

As discussed during the interview, claim 1 is amended to delete the language at issue, thus obviating the rejections. Accordingly, withdrawal of the rejections is respectfully requested.

III. Rejection Under 35 U.S.C. § 103(a)

The Office Action rejects claims 1-21 as obvious over European Patent Publication No. 0621648 to Ikeda et al. (Ikeda). The rejection is respectfully traversed.

As discussed during the personal interview, Ikeda fails to disclose "forming a conductive layer on the electrolyte layer such that a portion of the conductive layer formed on the electrolyte layer is discrete from a portion of the conductive layer formed inside the pores

of the electrolyte layer," as recited in amended claim 1. The currently claimed invention is directed to a method of manufacturing a fuel cell to prevent a potential short circuit in the fuel cell between the conductive layer, or cathode, and the hydrogen-permeable metal layer due to pores present in the electrolyte layer. The conductive layer is applied to the electrolyte layer in a direction perpendicular to the electrolyte layer. This application technique ensures that the conductive layer material is disposed on the areas of the electrolyte layer and the hydrogen permeable metal layer exposed in the pores of the electrolyte layer, but not on the wall faces of the pores. Because the conductive layer formed on the electrolyte layer is discrete from the conductive layer formed inside the pores of the electrolyte layer, an electrical connection between the hydrogen permeable metal layer and the conductive layer is prevented.

Ikeda is directed to an electrode having an active material disposed on a support formed by a three-dimensional lattice structure. Ikeda teaches away from the presently claimed invention because Ikeda teaches coating every surface of the three-dimensional structure with the active material, resulting in improved adhesion between the support structure and the active material, and a stronger support structure. Therefore, Ikeda does not disclose "forming a conductive layer on the electrolyte layer such that the conductive layer formed on the electrolyte layer is discrete from the conductive layer formed inside the pores of the electrolyte layer."

Therefore, claim 1 is patentable over Ikeda. Claims 2-21 also are patentable over Ikeda, at least for their dependency from claim 1, as well as for the additional features they recite. Accordingly, withdrawal of the rejection is respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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